

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-12251-2020 (O&M)

Date of decision: 20.01.2022

Arshdeep Kaur Brar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aman Dhir, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. G. S. Ghuman, Advocate
for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 12 dated 14.03.2020, registered under Sections 420, 495 of the IPC at Police Station Mehtiana, District Hoshiarpur.

The operative part of the order dated 28.05.2020, vide which the petitioners have been granted interim bail, is reproduced below:

“1. Status report by way of affidavit of Satinder Kumar, DSP, Sub Division, Hoshiarpur has been filed, which is taken on record.

2. I have heard Mr. Aman Dhir for the petitioners and Mr. Sandeep Vermani, Additional Advocate General, Punjab, through video conferencing/WhatsApp [the only possible way due to the pandemic COVID-19 restrictions].

3. Mr. Dhir vehemently disputes the alleged first marriage of Arshdeep Kaur Brar (petitioner No.1) with

Manpreet Singh and questions the authenticity of the Memo dated 20.05.2020 written by the Registrar of Marriages, Chandigarh addressed to the Station House Officer, Police Station Mahitiana, Hoshiarpur, Punjab. Mr. Dhir says that the verification of the marriage registration may be true to the official record/register bearing Registration No.MR/AUTHMREG/2018/7 dated 4.4.2018, but factually no marriage had taken place between the parties and the photographs were morphed showing Manpreet Singh and petitioner No.1 as husband and wife, and therefore what lies behind the documents is forged and fabricated. This is a serious charge laid by Manpreet Singh for the first time on 12.2.2020 while he alleges he was married to Arshdeep Kaur Brar on 28.3.2018.

4. In these circumstances, before proceeding any further complainant - Manpreet Singh son of Randhir Singh, resident of Village Ghaniye Ke Baagar, District Gurdaspur [application No.442-A-PD dated 08.02.2020 UID No.1748549 dated 12.02.2020] is impleaded as party respondent No.2.

5. Let notice be issued to the newly impleaded respondent for the next date of hearing.

6. This resolute stand of Mr. Dhir is a matter of investigation and, therefore, no opinion can be expressed thereon at this stage. However, the investigating agency will obtain multiple signatures of petitioner No.1 on paper to be retained in the investigation file. Petitioner No.1 will also supply photocopies of some of the documents she may have signed in due course to obtain a passport and visa for travel abroad on work permit in Canada and other documents signed or written by her prior to the alleged marriage in 2018 and some thereafter so as to compare them with the signatures on the application that must have been required for registration of marriage at Chandigarh,

including samples of the original signatures on the Register of Marriages of both petitioner No.1 and Manpreet Singh and witnesses, if any. Likewise, the Investigating Officer will obtain multiple signatures of Manpreet Singh on a piece of blank paper for comparison with his past signatures including the signatures on the Register of Marriages and in the application form and all other accompanying documents, which may have been furnished to process the case for registration of marriage. If required, forensic examination of handwriting can be also done to substantiate the allegations of Manpreet Singh.

7. However, on hearing the parties I find this a prima facie fit case for grant of pre-arrest bail. Accordingly, in the event of arrest the petitioners are ordered to be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer. They are directed to appear before the Investigating Officer/Arresting Officer in the presence of a lady Constable on 08.06.2020 at 2.00 PM for submitting the necessary documents as observed above. Petitioner No.1 will carry her original documents together with photocopies duly self-attested for production and retention of photocopies. The petitioners are also directed to appear before the Investigating Officer/Arresting Officer as and when required after 08.06.2020 and shall cooperate in the investigation of this case. Petitioners shall comply with the conditions as stipulated in Section 438(2) Cr.P.C.

8. The Senior Superintendent of Police, Hoshiarpur will tie up with the Registrar of Marriages, Chandigarh for procuring the documents related to the alleged marriage of petitioner No.1 with Manpreet Singh in 2018.

9. List again on 22.07.2020.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 28.05.2020, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Gulshan Kumar, assisted by learned counsel for the complainant, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 28.05.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

20.01.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No